

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

This document relates to: 1:19-cv-01867.

MASTER DOCKET

18-md-2865 (LAK)

**STIPULATION AND [PROPOSED] ORDER OF PARTIAL VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(2)**

WHEREAS Plaintiff Skatteforvaltningen (“SKAT”) has asserted claims against Defendant Michael Ben-Jacob (“Ben-Jacob”) in the action titled *SKAT v. AvaniX Management LLC Roth 401K Plan et al.*, No. 1:19-cv-01867;

WHEREAS SKAT and Ben-Jacob have now entered into a settlement agreement resolving those claims;

WHEREAS SKAT wishes to voluntarily dismiss with prejudice Ben-Jacob from *SKAT v. AvaniX Management LLC Roth 401K Plan et al.*, No. 1:19-cv-01867, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with each party to bear its own costs;

WHEREAS the dismissal is not intended to affect any of the claims asserted against Defendants AvaniX Management LLC Roth 401K Plan or Richard Markowitz in the action captioned *SKAT v. AvaniX Management LLC Roth 401K Plan et al.*, No. 1:19-cv-01867, or any other action;

IT is therefore STIPULATED AND AGREED that, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Ben-Jacob is dismissed with prejudice from the action *SKAT v.*

Avanix Management LLC Roth 401K Plan et al., No. 1:19-cv-01867, with each party to bear its own costs; and

IT is further STIPULATED AND AGREED that SKAT's claims against Defendants *Avanix Management LLC Roth 401K Plan* and Richard Markowitz remain active in the action captioned *SKAT v. Avanix Management LLC Roth 401K Plan et al.*, No. 1:19-cv-01867.

Dated: New York, New York
December 15, 2024

By: /s/ Marc A. Weinstein
Marc A. Weinstein
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
Telephone: (212) 837-6000
Fax: (212) 422-4726
marc.weinstein@hugheshubbard.com

*Counsel for Plaintiff Skatteforvaltningen
(Customs and Tax Administration of the
Kingdom of Denmark)*

By: /s/ Thomas E.L. Dewey
Thomas E.L. Dewey
DEWEY, PEGNO & KRAMARSKY, LLP
777 Third Avenue
New York, NY 10017
Telephone : (212) 943-4325
Fax : (212) 943-4325
tdewey@dpklaw.com

Counsel for Defendant Michael Ben-Jacob

SO ORDERED:

Lewis A. Kaplan
United States District Judge